NATIONAL LIBRARY OF SCOTLAND

THE

PROCEEDINGS

AGAINST

SIR THOMAS ARMSTRONG,

In His MAJESTIES Court of *Kings-Bench*, at *Westminster*, upon an Outlawry for High-Treason, *&c.*

AS ALSO

An Account of what passed at his Execution at *Tyburn*, the 20th. *of June* 1684. Together with the Paper he delivered to the Sheriffs of *London*, at the same Time and Place.

De Term. S. S. Trin. Anno Regni Regis CAROLI II. *xxxvi. Die Sabbati, Junii An. DOM.* 1684. B. R.

Dominus Rex versus Thom. Armstrong, *Mil.*

THis day Sir *Thomas Armstrong* was brought to the Bar of the Court of *Kings-Bench* at *Westminster*, by Vertue of a Writ of *Habeas Corpus* directed to the Keeper of the *Goal* of *Newgate*; which Writ was on His Majesties behalf moved for on *Thursday* last by Mr. Attorney General.

The return of the Writ was Read by the Clerk of the Crown, by which it appeared he was in the Custody of the Keeper of *Newgate*, by a Warrant from the Honourable *Sidney Godolphin* Esq; one of His Majesties Principal Secretaries of State, which warrant followeth *in hæc verba.*

Sidney Godolphin *Esq; one of His Majesties most Honourable Privy Council, and Principal Secretary of State.*

THese *are in His Majesties Name to Authorize and require you to receive into your Custody from on Board His Majesties Yacht the* Catherine, *Captain* Davis *Commander, the Person of Sir* Thomas Armstrong, *Knight, Outlawed for High-Treason, and him safely to keep in His Majesties Prison of* Newgate, *till His Majesties pleasure be farther known. And for so doing this shall be your Warrant. Given under my Hand and Seal at* White-hall *this* 10*th. day of* June, 1684. *In the* 36*th. Year of His Majesties Reign.*

S. Godolphin.

To Captain *Richardson* Keeper of
His Majesties Prison of *Newgate.*

Lord Chief Justice. WHat *would you have Mr.* Attorney?

Mr. Att. G. Have you the Outlawry there?

Cl. of the Cr. *Yes, Sir, here it is.*

Mr. Att. G. That which I humbly pray, my Lord, is an Award of Execution for the King against Sir *Thomas Armstrong*, upon the Outlawry.

L. Ch. Juſt. *Firſt we muſt File this Return.*

Mr. *Att. G.* I pray it may be Filed.

L. Ch. Juſt. *Let it be Filed now what you do deſire Mr* Atturney?

Mr. *Att. G.* My Lord, I pray an Award of Execution upon the Outlawry.

L. Ch. Juſt. *Arraign him upon the Outlawry.*

Cl. of the Cr. Tho Armſtrong, hold up thy hand: (*Which he did*) Thou haſt been Indicted in *London* by the name of *Thomas Armſtrong of London*, Knight, of High-Treaſon, for Conſpiring againſt the Kings Majeſties Life, and the Government: For not appearing to Plead and Try that Indictment by due Proceſs of Law iſſued againſt thee; upon that Indictment, thou ſtandeſt Outlawed; and thereby Attained of the ſame High-Treaſon. What haſt thou to ſay for thy ſelf why Execution ſhould not be Awarded againſt thee upon that Attainder according to Law.

Sir *Thomas Armſtrong*, My Lord, I was beyond Sea at the time of the outlawry; I beg I may be tryed.

L. Ch. Juſt. *That is not matterial at all to us; we have here a Record of an Outlawry againſt you, Sir* Thomas.

Sir *Thomas Armſtrong*. I deſire to be put upon my Trial my Lord.

L. Ch. Juſt. *We cannot allow any ſuch thing, we have nothing to do upon this Record before us but to Award Execution. Captain* Richardſon, *which are your uſual days of Execution.*

Capt. *Richardſon. Wedneſdays* and *Fridays*, my Lord.

Mrs. *Matthews*. Here is a Statute my Lord.

L. Ch. Juſt. *What is the matter with that Gentlewoman?*

Sir *T. Armſtrong*. Hold your tongue. My Lord there is a Statute made in the 6th year of *Edward* the 6th. which I deſire ~~may be read~~

L. Ch. Juſt. *To what purpoſe would you have it read, Sir* Thomas?

Sir *T. Armſtrong*. It giveth the Priſoner, or Perſon Outlawed for High-Treaſon a years time to reverſe the Outlawry, if he were beyond Sea. I deſire it may be read.

L. Ch. Juſt. *Ay let be read. Where is it do you ſay?*

Sir *T. Armſtrong*. It is in the ſixth year of *Edward* the Sixth.

Mrs. *Matt*. Here is a Copy of it-----*ſhewing a Paper.*

L. Ch. Juſt. *Why? how now, we do not uſe to have Women Plead in the Court of* Kings-Bench; *pray be at quiet, Miſtriſs.*

Sir *T. Armſtrong*. Pray hold your tongue. My Lord, I could not come to alledge this before, becauſe I have been a cloſe Priſoner, and no Body permitted to come at me. I deſire Councel to be aſſigned me at this Bar.

L. Ch. Juſt. *For what*, Sir Thomas?

Sir *T. Armſtrong*. to argue whether this Outlawry ought not to be reverſed.

L. Ch. Juſt. *Read the Statute he deſires.*

Mr. *Att. G.* Ay let it be read, Sir *Thomas* will not find it to his purpoſe.

Cl. of the Cr. What Chapter is it?

L. Ch. Juſt. *You may eaſily find it about Outlawries for Treaſon.*

Cl. of the Cr. reads. *Provyded always, and be it Enacted by the Authority aforeſaid That if the party*-----

Mr. *Att. G.* Read the Clauſe before that, Sir *Samuel.*

Cl. of the Cr. reads. *And that all Proceſs of Outlawry hereafter to be made and had within this Realm, againſt any Offenders in Treaſon, being Reſiant or Inhabitant out of the Limits of this Realm, or in any the parts beyond Sea, at the time of the Outlawry pronounced againſt them, ſhall be as good and effectual in the Law to all intents and purpoſes, as if any ſuch Offenders had been Reſident and Dwelling within this Realm at the time of ſuch Proceſs awarded and Outlawry pronounced.*

L. Ch. Juſt. read on the next Paragraph.

Cl. of the Cr. reads. *Provyded alway, and be enacted by the Authority aforeſaid, That if the party ſo hereafter to be Outlawed, ſhall within one Year next after the ſaid Outlawrie pronounced, or Judgment given upon the ſaid Outlawry yeild himſelf unto the Chief Juſtice of* England *for the time being, and offer to Traverſe the Indictment or Appeal whereupon the ſaid Outlawrie ſhall be pronounced as is aforeſaid, That then he ſhal be received to the ſaid Traverſe, and being thereupon found not Guilty by the Verdict of Tewlve Men he ſhall be clearly acquitted and diſcharged of the ſaid Outlawrie, and if all Penalties and Forfeitures by Reaſon of the ſame, in as large and ample manner and form as though no ſuch Outlawry had been made, any thing herein contained to the contrary in any wiſe notwithſtanding.*

Mr. *Att. G.* Sir *Thomas*, I ſuppoſe, now will ſhew he yeilded himſelf to your Lordſhip.

L. Ch. Juſt. *This is the firſt time I have ſeen Sir* Thomas.

Sir *T. Armſt.* My Lord I have been a Priſoner, and the Year is not yet out; I now render my ſelf.

Mr. *Att. G.* Before he went out of *England* he might have rendred himſelf, and been Tried, if he pleaſed.

Sir. *T. Armſt.* I am within the benefit of the Statute, I conceive, my Lord.

L. Ch. Juſt. *We think otherwiſe*, Sir Thomas.

Sir *T. Armſt.* I think, my Lord, the Statute is plain in the Caſe.

L. Ch. Juſt. *We are of another Opinion then you are; it doth not reach your caſe.*

Sir *T. Armſt.* The year is not yet out, and therefore I come time enough now? and here *I* am, and deſire the benefit of this Act.

L. Ch. Juſt. Sir *Thomas*, you ſhould have rendred your ſelf to me.

Sir *T. Armſt.* *I* do it now my Lord, and the Year is not yet out.

L. Ch. Juſt. *We cannot take notice of that; we have nothing but the Outlawrie, and you did not render your ſelf according to that Act, but are brought as a Priſoner before us now.*

Sir *T. Armſt.* My Lord, I beg I may have Councel to Plead for me in this Caſe.

L. Ch. Juſt. *For what reaſon. We are of Opinion it is not a matter of any doubt. For you muſt not go under the Apprehenſion that we deny you any thing that is right; there is no doubt nor difficulty at all in the thing.*

Sir *T. Armſt.* Methinks, my Lord, the Statute is plain.

L. Ch. Juſt. *So it is very plain that you can have no advantage by it.* Cap. Richardſon, *you ſhall have a Rule for execution on Friday next.*

Sir *T. Armſt.* I would only take notice of one thing, my Lord, may I ſpeak?

L. Ch. Juſt. *Ay Sir* Thomas. *verie freelie what you pleaſe?*

Sir *T. Armſt.* A little while ago there was one in this place had the benefit of a Trial offered him, if he would accept of it; that is the thing I deſire now, and I thank God my Caſe is quite another thing than his, I know my own Innocence; and I deſire to make it appear by a Trial.

L. Ch.

L. Ch. Juſt. Sir *T. Armſtrong*, you may go away with what Opinion you pleaſe of your own innocency: but you are here attained by Outlawry. That which was done, to him you ſpeak of, was the Grace and Mercy of the King, and he may if he pleaſe extend the ſame Grace and Favour to you, but that is not our buſineſs: We are ſatisfied that according to Law, we muſt award Execution upon this Outlawry.

Mrs. *Matthews.* My Lord; I hope you will not Murder my Father; this is murdering a Man.

L. Ch. Juſt. *Who is this woman? Marſhal, take her into Cuſtody. Why, How now? Becauſe your Relation is Attained for High Treaſon muſt you take upon you to tax the Courts of Juſtice for Murder, when we grant the Execution acccording to Law? Take her away.*

Mrs. *Matthews.* God Almighty's Judgements light upon you.

L. Ch. Juſt. *God Almighty's Judgements will light upon thoſe that are guilty of High Treaſon.*

Mrs. *Matthews.* Amen, I pray God.

L. Ch. Juſt. *So ſay I. But Clamours never prevail upon me at all; I thank God, I am clamour proof, and will never fear to do my Duty.*

(Then ſhe was carried away.)

Mr. Att. Gen. My Lord, I would only acquaint you with one thing in reference to what Sir Thomas Armſtrong has ſaid: The King did indulge *Holloway*, that he ſpeaks of, it is true, ſo far as to offer him a tryal, and His *Majeſty* perhaps might have ſome reaſon for it, but the Priſoner truly deſerves no ſort of Indulgence of Mercy from the King. For it has appeared by the Evidence that has been given of this late Horrid Conſpiracy, that after the Diſappointment that was given by the Providence of GOD, by the Fire at New-merkat, to the meeting at the Rye; this Gentleman was one of the Perſons that actuallie engaged to go upon the Kings haſtie coming to Town then, and to deſtroy him by the way as he came to Town. And this appears upon a full and clear Evidence, as poſitively teſtified as any thing can be. And when he was taken beyond Sea, Letters of Communication with Forreign Miniſters and other People were taken about him, and will be----

L. Ch. Juſt. *We are not at all to meddle with the Evidence, Mr. Atturney, that is not our buſineſs; here is an Outlawry, upon this Outlawry he is attained, we have nothing more to do, but to do the Duty of the Court upon this Record before us to Award Execution upon that Attainder, and we muſt give a Rule for it. If the King will be pleaſed to do for Sir* Tho. Armſtrong *what he did to* Holloway, *and indulge him a Trial, and wave the Outlawry, with all our hearts. We are not diſpoſers of his grace and favour, but the Miniſters of his Juſtice. If the King will pardon him, he may, this is not our buſineſs. All we have to do upon what is before us, is to conſider the Record, and what the Priſoner ſays againſt our awarding of Execution. We have conſidered whether this be a Yielding within the proviſo of this Statute, and we think it is not, nor can be, by any means.*

Sir T. Armſtrong, My Lord, I am within the ſtatute, I was Outlawed while I was beyond Sea, and I come now here within the twelve Moneth. That is all I know, or have to ſay in this matter.

L. Ch. Juſt. *We think quite the contrary, Sir Thomas.*

Sir Tho. Armſt. When I was before the Council, my Lord, they ordered that I ſhould have counſel allotted me, but I could have no benefit by that order; for when I was taken; I was robbed of all the Money I had, and have not had one penny reſtored to me, nor any money ſince; I know not whether the Law allows perſons in my condition to be robbed and ſtripped.

L. Ch. Juſt. *I know nothing at all of that matter, Sir* Thomas.

Sir Tho. Armſt. My Lord, I know Lawyers will not plead without Money, and being robbed I could not have wherewithal to fee them.

L. Ch. Juſt. *Sir* Tho. Armſtrong, *you take the Liberty of ſaying what you pleaſe; you talk of being robbed, no body has robbed you that I know of.*

Sir T. Armſt. No body ſays you do know of it, but ſo it is.

L. Ch. Juſt. *Nay be as angry as you will, Sir* Thomas, *we are not concerned at your Anger, we will undoubtedly do our Duty.*

Sir Tho. Armſt. I ought to have the benefit of the Law, and I demand no more.

L. Ch. Juſt. *That you ſhall have by the Grace of GOD, ſee that Execution be done on Friday next according to Law. You ſhal have the full benefit of the Law.*

Then the Priſoner was carried back to New-gate, and afterwards upon a Petition the Court ordered Mrs. Matthews *to be releaſed out of Cuſtody without Fees.*

An Account of what paſſed at the Place of Execution.

Sir Tho. Arm. MR. *Sheriff, do you purpoſe to ask me any Queſtions?*

Sh. Daniel. No Sir, you have leave to ſay what you pleaſe, and ſhall not be interrupted unleſs you upbraid the Government.

Sir Tho. Armſt. *Sir I thank you: But I ſhal not ſay any thing by way of ſpeech to the People. Pray take this Paper, which contains my mind; and I deſire no other may ask me any Queſtion. I deſire you to make way for Dr.* Tenniſon.

(which was done, and then they went together into the Cart.)

Sir T. Armſt. Mr. Sheriff, I have given you a paper, and that will ſet forth my mind, that is all I have to ſay.

Turning to Dr. *Tenniſon*, he ſaid, Sir, I deſire you to pray with me.

Dr. Tenniſons *Prayer.*

ALmighty GOD, with whom do live the Spirits of Juſt Men made perfect, after they are delivered from their earthly priſons; we humbly commend the Soul of this thy Servant, into thy hands, as into the hands of a Faithful Creator, and moſt merciful Saviour, beſeeching thee, it may be precious in thy ſight. Waſh it, and Sanctifie it by the Blood of the Immaculate Lamb, that taketh away the ſins of the World; that whatſoever defilements it may have contracted, in this miſerable, ſinful, and naughty world, through the luſts of the fleſh, or the wiles of ſatan, being purged, and done away, it may be preſented pure and ſpotleſs before thee. And now, O Holy and moſt Merciful Saviour, thou moſt Bleſſed Judge Eternal, ſuffer him not, ſuffer him not at his laſt hour, for any pains of Death to fall from thee. Support him by the aſſiſtance of thy Spirit in all Agonies of the Soul and Body at his laſt Moment; and teach us by this, and all other Spectacles of Mortaliy, to number our Days, and to apply our Hearts to that Holy and Heavenly Wiſdom whilſt we live here, which may bring us hereafter to everlaſting life, through Jeſus Chriſt our Lord. *Our Father, &c.*

The Grace of our Lord Jesus Christ, the Love of God the Father, and the Fellowship of the Holy Ghost be with us, and in a particular manner with this thy Servant, now in the Minute of Death, and in the Day of Judgement. *Amen, Amen.* Come Lord Jesus, come quickly.

Now Sir, commend your self to God by your private Devotions, make your self Ready, and then [illegible] be the last thing you do.

[illegible] *Hope in God, my Sins are [illegible] and I do pray for it heartily. I forgive the whole World all offences they have committed against me.*

Dr. *Tenniſon.* I pray God ſhew mercy to you, as you expreſs Charity to them.

Then Sir *Thomas* kneeled down and prayed, and afterwards thanked Dr. *Tenniſon* for his great Care and Pains with him.

And then he turned to his Servant, and deſired to be [illegible] to his Wife and Children.

The Paper he delivered to the Sheriffs.

I Thank Almighty God, though I have had but a ſhort time allowed me, I find my ſelf prepared for Death, and my thoughts ſet on another World, and truſt in God, well weaned from putting my heart on this; yet I cannot but give ſo much of my little time to ſet down in Writing my Anſwers to ſome Calumnies raiſed ſince my cloſe Impriſonment, as well as what Mr. Attorny *accus'd me of at the Bar: I was told a very Great Perſon ſays, I was a Spy of* Cromwel's. *I have been ſent from* England *by the beſt and conſiderableſt Friends the King had then, with Bills of Exchange for his Majeſties Uſe, and Letters of very great Importance to his Majeſtie then at* Bruxels: *I appeal to His Majeſtie, if I delivered them not ſafe to Him, and His anſwers too when I return'd; Which I had not been above Six Days, but I was clap up ten Weeks a cloſe Priſoner in the* Gate-houſe; *and in no ſmal hazard of my Life for that Journey; Before this time I had been a whole Year at leaſt in* Lambeth-houſe *a Priſoner, and after both theſe times a Priſoner in the* Tower, *when the* Uſurper *Died, and near Starv[illegible] of them. Very ill treatments for a Spy and Penſioner; My Lord of* Oxford, *and many others of Quality will, I think, teſtifie my Innocency in this point; I proteſt before God I was never a Spy to* Cromwel, *or any other Man.*

On Saturday *laſt I was brought to the* Kings-Bench Bar *on an Outlawry of High Treaſon. I was asked what I had to ſay for my ſelf, that Judgement of death ſhould not paſs; I was beyond Seas when the Outlawry came out, I thought a Writ of Errour to Reviſe it the Law allowed, I prayed I might be allowed a Tryal for my Life according to the Laws of the Land, I urged the Statute of* Edward *the* 6th. *which was expreſly for it, it being within the Twelve Months allowed by the Statute: It ſignified nothing, I was with an extraordinary Roughneſs Condemned, and made a Preſident, tho' Mr.* Holloway *a little before had it offered him: I cannot but think all the world will conclude my Caſe very differ[illegible] elſe why refuſed me?*

Mr. Attorney ſaid, I was accuſed for being one of thoſe that was to kill the King as he [illegible] Newmarket, after the Fire, I take God to Wit[illegible] any Deſign, nor ever had ſuch a Thought to take [illegible] Life; neither ever had any man the Impudence to propoſe ſo barbaros and baſe a thing to me: neither was I ever in any Deſign, to alter the Government of England: *what I am accuſed of more, I know no otherwiſe than by reports and Prints, which I take to be uncertain; So that it cannot reaſonably be expected I ſhould make particular Anſwers; If I had been Tryed I could have proved my Lord* Howard's *Baſe Reflections on me to be a Notorious Falſhood; For I know there is at leaſt Ten Gentlemen, beſides all the Servants of the Houſe, can teſtifie, I Dyned there that day.*

I have lived, and now die of the Reformed Religion, A True *and Sincere* Proteſtant, *and in the Communion of the Church of* England; *and I heartily wiſh I had more ſtrictly lived up to the Religion which I believed; and I have found the great comfort of the Love and Mercy of God, in and through my bleſſed Redeemer, in whom I only truſt, and I do verily hope, that I am going to partake of that fulneſs of Joy which is in His Preſence, [illegible]*

I thank God, I have no repining at my heart, for the [illegible]tion my ſins have moſt deſervedly brought upon me; I have deſerved much worſe at the hands of God, ſo that I cheerfully ſubmit to this Puniſhment, as being taken off but a ſmal time ſooner.

I do freely forgive all the World, even thoſe concerned in taking away my Life. As for the Sentence of Death paſt upon me, I cannot but think it a very hard one, being, I think, denied the Laws of the Land.

To conclude, as I never had any Deſign againſt the King's Life, or the Life of any man, ſo I never was in a Deſign to alter the Monarchy.

I Die in charity with all the World, and therefore I heartily pray God to Bleſs the Church of Chriſt every where, theſe poor Nations, the Kings Majeſtie; and I heartily commend my Soul to Gods infinite Mercy through my bleſſed Saviour Jeſus Chriſt.

EDINBURGH,

Re-Printed by *John Reid*, and are to be ſold by *James Mein*, Stationer, on the South-ſide of the Street, foregainſt the Poſt-[illegible] *Anno DOM.* 1684.